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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,957	07/03/2003	Brian Walker	P07983US00/DEJ	3547
881	7590	01/05/2005	EXAMINER	
STITES & HARBISON PLLC 1199 NORTH FAIRFAX STREET SUITE 900 ALEXANDRIA, VA 22314			SPITZER, ROBERT H	
			ART UNIT	PAPER NUMBER
			1724	

DATE MAILED: 01/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/611,957

Applicant(s)

WALKER ET AL.

Examiner

Robert H. Spitzer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- ☒ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|--|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/21/2003</u> . | 6) <input type="checkbox"/> Other: ____ |

DETAILED ACTION

1. In regard to applicants' letter of November 6, 2003 with respect to the foreign priority date, the as-filed declaration listed such date as June 5, 2002. In order to correct such date, a new declaration must be filed with the correct information for such priority document. Further, the instant application does not include such foreign priority document.

2. The drawing figures are objected to because in Fig. 1, there is no number "1" thereon.

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 10, 15 and 16 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 10 is indefinite because it recites "two similar towers" without any correlation to "a first drying tower" and "a second drying tower" already recited in claim 1. Similarly, the claim is indefinite because of the recitations of "upper and a lower port" and "upper and lower manifolds" without any correlation to similar recitations in claim 1. Claim 15 is indefinite because it recites "a manifold" without any correlation to either "a first manifold" or "a second manifold" already recited in claim 1, and because there is no direct antecedent basis in lines 6 and 7 for the recitation of "the fourth arm". Claim 16 is indefinite because it depends from indefinite claim 15.

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5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

6. Claims 1-10,12,13,15 and 16 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the adsorber structure and manifold device of Caralli et al. (4,512,781).

7. Claims 1-3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the structure of Eimer et al. (6,200,365), as applied in the Search Report.

8. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by the structure of Dossaji et al. (5,961,698), as applied in the Search Report.

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caralli et al. (4,512,781) in view of Jones (3,080,977). The claim differs from the adsorber structure of Caralli et al. ('781) in the use of "o-ring" gaskets between the adsorber and its connection to the manifold. Jones ('977) shows the use of "o-ring" gasket "34" between an adsorber housing and a valve manifold. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the adsorber

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housing of Caralli et al. ('781) with an "o-ring" gasket where the adsorber housing and the valve manifold meet, in view of the showing of Jones ('977), as any known means for providing such a seal would be expected to work and to be used interchangeably.

11. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Caralli et al. (4,512,781) in view of Hunter (4,877,429). The claim differs from the structure of Caralli et al. ('781) in there being a spring to bias the valve member closed. Hunter ('429) shows the use of spring "198" in a valve manifold for biasing a valve element closed. It would have been obvious to one of ordinary skill in the art, at the time the invention was made, to provide the valve manifold of the adsorber device of Caralli et al. ('781) with a spring to bias closed the valve elements, in view of the showing of Hunter ('429), so that the adsorber will operate at a pressure above a selected pressure.

12. The remaining references listed on both the PTO-1449 and the PTO-892 show art of interest.

13. Applicants' response to this Office action should also include the following editorial changes: page 8, line 19, "a" should be canceled; page 9, line 16, "manifold" should be "manifolds"; page 12, line 14, "to" should be inserted after "according"; page 12, line 15, "figure" should be either "Fig." or "Figure"; and, page 16, line 15, "though" should be "through".

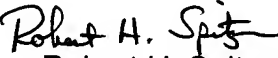
14. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H. Spitzer whose telephone number is (571) 272-1167. The examiner can normally be reached on Monday-Thursday from (5:30AM-4:00PM).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

January 4, 2005


Robert H. Spitzer
Primary Examiner
Art Unit 1724
January 4, 2005